

**To the Honorable Council**  
**City of Norfolk, Virginia**

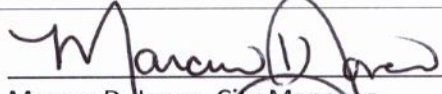
March 15, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to expand an existing Entertainment Establishment with alcoholic beverages**  
**– 501 Botetourt Street, Suites 503-507 – The Cure Coffeehouse and Brasserie**

Reviewed:   
 Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:   
 Marcus D. Jones, City Manager

Item Number: **R-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to expand an existing Entertainment Establishment with alcoholic beverages.
- IV. **Applicant:** The Cure Coffeehouse and Brasserie
- V. **Description:** This request would allow The Cure, an existing entertainment establishment serving alcohol, to expand into two adjacent suites and expand their seating, hours of operation, and entertainment options.

	Previous	Proposed
Hours of Operation	7:00 a.m. until 11:00 p.m., Seven days a week	7:00 a.m. until 11:00 p.m., Sunday through Thursday 7:00 a.m. until 12:00 midnight, Friday and Saturday
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 11:00 p.m., Seven days a week	7:00 a.m. until 11:00 p.m., Sunday through Thursday 7:00 a.m. until 12:00 midnight, Friday and Saturday
Hours for Entertainment	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday	9:00 a.m. until 11:00 p.m., Sunday through Thursday 9:00 a.m. until 12:00 midnight, Friday and Saturday
Capacity	39 seats indoors 2 seats outdoors 49 total capacity	85 seats indoors 10 seats outdoors 99 total capacity

Entertainment Options	<ul style="list-style-type: none"> <li>• 3-member live band</li> <li>• Open microphone</li> </ul>	<ul style="list-style-type: none"> <li>• 5-member live band</li> <li>• Karaoke</li> <li>• Comedian</li> <li>• Poetry reading</li> <li>• Open microphone</li> <li>• Trivia</li> </ul>
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Staff point of contact: Chris Whitney at 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

Attachments:

- Staff Report to CPC dated February 25, 2016 with attachments
- Letter of Support – Freemason Street Area Association
- Letter of Support – Freemason resident
- Proponents and Opponents
- Ordinance



**Planning Commission Public Hearing: February 25, 2016**

Executive Secretary: George M. Homewood, AICP, CFM *JS*

Planner: Chris Whitney, CFM *CW*

<b>Staff Report</b>	<b>Item No.</b>	<b>10</b>
<b>Address</b>	<b>501 Botetourt Street, Suites 503 – 507</b>	
<b>Applicant</b>	<b>The Cure Coffeehouse and Brasserie</b>	
<b>Request</b>	<b>Special Exception</b>	<b>Entertainment establishment with alcoholic beverages</b>
<b>Property Owner</b>	Bethel I, LLC	
<b>Site Characteristics</b>	Building Area/Space	5,186 sq. ft./1,875 sq. ft.
	Future Land Use Map	Downtown
	Zoning	HC-WF2 (West Freemason Historic and Cultural Conservation)
	Neighborhood	Freemason Street Area Association
	Character District	Downtown
<b>Surrounding Area</b>	North	HC-WF2: Voila restaurant
	East	HC-WF1, HC-WF2: The Botetourt apartments, Tymoff and Moss Architects
	South	HC-WF1: Hummingbird Macarons café
	West	HC-WF1: Single-family home



### A. Summary of Request

- The property is located along Botetourt Street near the corner of Botetourt Street and West Bute Street, within the West Freemason neighborhood.
- This request would allow The Cure, an existing entertainment establishment serving alcohol, to expand into two adjacent suites and expand their seating, hours of operation, and entertainment options.
- The applicant proposes to expand into the adjacent suites to the north, with one being vacant and the other most recently occupied by interior design services and a yoga studio.

### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

### C. Zoning Analysis

#### i. General

- The use is permitted in the HC-WF2 district by special exception.

	Previous	Proposed
Hours of Operation	7:00 a.m. until 11:00 p.m., Seven days a week	7:00 a.m. until 11:00 p.m., Sunday through Thursday 7:00 a.m. until 12:00 midnight, Friday and Saturday
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 11:00 p.m., Seven days a week	7:00 a.m. until 11:00 p.m., Sunday through Thursday 7:00 a.m. until 12:00 midnight, Friday and Saturday
Hours for Entertainment	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday	9:00 a.m. until 11:00 p.m., Sunday through Thursday 9:00 a.m. until 12:00 midnight, Friday and Saturday
Capacity	39 seats indoors 2 seats outdoors 49 total capacity	85 seats indoors 10 seats outdoors 99 total capacity
Entertainment Options	<ul style="list-style-type: none"><li>• 3-member live band</li><li>• Open microphone</li></ul>	<ul style="list-style-type: none"><li>• 5-member live band</li><li>• Karaoke</li><li>• Comedian</li><li>• Poetry reading</li><li>• Open microphone</li><li>• Trivia</li></ul>



- Special exception history:

City Council Approval	Applicant	Request
2014	The Cure	Entertainment establishment with alcoholic beverages
Pending	The Cure	Entertainment establishment with alcoholic beverages

## ii. Parking

- For an entertainment establishment of this size located within the Downtown Character District, the *Zoning Ordinance* requires that the site provides a minimum of eight parking spaces and sufficient room to accommodate one bicycle.
- The building was built in 1920, prior to any parking requirements in the City; as such, the structure is grandfathered for eight spaces based on the commercial use for which it was built.

## iii. Flood Zone

The property is located in the X (Shaded) and X (Low to Moderate) Flood Zones, which are low-risk flood zones.

## D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this restaurant will generate 222 additional vehicle trips per day by increasing total indoor seating at this location by 46 seats above currently approved levels.
- Brambleton Avenue near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to the regional Hampton Roads Congestion Management analysis.
- The site is near transit services, with the York Street/Freemason TIDE light rail station located just to the east of this location.
- Botetourt Street adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan but is part of the existing Elizabeth River Trail.

## E. Historic Resources Impacts

- The site is located within the West Freemason Historic District and is not a contributing structure.
  - However, any modifications to the exterior of the building are subject to the City's Design Review Process and/or Architectural Review Board approval for a Certificate of Appropriateness.

**F. Public Schools Impacts**

This site is located within the Taylor Elementary School, Blair Middle School, and Maury High School Attendance Zones.

**G. Environmental Impacts**

There are currently no opportunities for landscaping site improvements to this existing site.

**H. Surrounding Area/Site Impacts**

- The expansion of this existing establishment should not adversely impact the surrounding uses.
- Over the past year there have been no calls for police service.

**I. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**J. Civic League**

- Notice was sent to the Freemason Street Area Association on January 13.
- A letter of support was received from the Freemason Street Area Association on February 1.

**K. Communication Outreach/Notification**

- Legal notice was posted on the property on January 19.
- Letters were mailed to all property owners within 300 feet of the property on February 11.
- Legal notification was placed in *The Virginian-Pilot* on February 11 and February 18.

**L. Recommendation**

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 7:00 a.m. until 11:00 p.m. Sunday through Thursday and 7:00 a.m. until 12:00 a.m. Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for entertainment shall be limited to 9:00 a.m. until 11:00 p.m. Sunday through Thursday and 9:00 a.m. until 12:00 a.m. Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (c) The seating for the establishment shall not be less than 85 seats indoors, shall not be more than 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.
- (d) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the



shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

- (e) No smoking shall be permitted anywhere in the outdoor dining area.
- (f) No portion of any outdoor dining shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (h) Entertainment shall be limited to live bands having no more than 5 members, karaoke, comedian, poetry reading, open microphone, and trivia. No other form of entertainment is permitted.
- (i) There shall be no dancing and no dance floor provided.
- (j) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and

portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (r) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.



- (v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (w) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
  - (9) The establishment's designated driver program; and
  - (10) The establishment's Security Plan.
- (y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 74 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (z) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

**Attachments**

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Freemason Street Area Association

Letter of Support from the Freemason Street Area Association



## **Proponents and Opponents**

### **Proponents**

Christopher Shelton – Applicant  
103 Hardy Place  
Portsmouth, VA 23707

Gene M. Aston – Applicant  
503 Botetourt Street  
Norfolk, VA 23510

### **Opponents**

None

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "THE CURE COFFEEHOUSE AND BRASSERIE" ON PROPERTY LOCATED AT 503 BOTETOURT STREET, SUITES 503 AND 507.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Aston Shelton Enterprises, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "The Cure Coffeehouse and Brasserie" on property located at 503 Botetourt Street, suites 503 and 507. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 58 feet, more or less, along the western line of Botetourt Street beginning 30 feet, more or less, from the northern line of West Bute Street and extending northwardly; premises numbered 501 Botetourt Street, suites 503 and 507.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 7:00 a.m. until 11:00 p.m. Sunday through Thursday and 7:00 a.m. until 12:00 midnight on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for entertainment shall be limited to 9:00 a.m. until 11:00 p.m. Sunday through Thursday and 9:00 a.m. until 12:00 midnight on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be



permitted.

- (c) The seating for the establishment shall not be less than 77 seats indoors, shall not be more than 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.
- (d) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.
- (e) No smoking shall be permitted anywhere in the outdoor dining area.
- (f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space with open ventilation on at least three sides.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (h) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, comedian, poetry reading, open microphone, and trivia. No other form of entertainment is permitted.
- (i) There shall be no dancing and no dance floor

provided.

- (j) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (r) The business authorized by this special exception



shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

- (w) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
  - (9) The establishment's designated driver program; and
  - (10) The establishment's Security Plan.
- (y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 74 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m.



each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (z) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection,

refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on June 10, 2014 (Ordinance NO. 45,575). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)

Exhibit B (1 page)





**EXHIBIT "A"**  
**Description of Operations**  
**Entertainment Establishment**  
**(Please Print)**

Date 1/11/2016

Trade name of business Cure Coffeehouse & Brasserie

Address of business 503 Botetourt Street, Suites 503-507

Name(s) of business owner(s)\* Aston Shelton Enterprises LLC - G.M. Aston, C.G. Shelton

Name(s) of property owner(s)\* Bethel 1 LLC - F.T. Stant

Name(s) of business manager(s)/operator(s) G.M. Aston, C.G. Shelton, K. Redman

Daytime telephone number (757) 321-0044

\*If business or property owner is a partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

**1. Proposed Hours of Operation:**

<u>Facility</u>		<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday	From <u>7am</u> To <u>11pm</u>	Weekday From <u>7am</u> To <u>11pm</u>
Friday	From <u>7am</u> To <u>12am</u>	Friday From <u>7am</u> To <u>12am</u>
Saturday	From <u>7am</u> To <u>12am</u>	Saturday From <u>7am</u> To <u>12am</u>
Sunday	From <u>7am</u> To <u>11pm</u>	Sunday From <u>7am</u> To <u>11pm</u>

**2. Type of ABC license applied for (check all applicable boxes):**

☒ On-Premises      ☐ Off-Premises (second application required)

**3. Type of alcoholic beverage applied for:**

☒ Beer      ☒ Wine      ☒ Mixed Beverage

**DEPARTMENT OF CITY PLANNING**  
810 Union Street, Room 508  
Norfolk, Virginia 23510  
Telephone (757) 664-4752 Fax (757) 441-1569  
(Revised January, 2015)



**Exhibit A – Page 2**  
**Entertainment Establishment**

4. Will video games, pool tables, game boards or other types of games be provided?  
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:


5. Will patrons ever be charged to enter the establishment?  
☐ Yes ☒ No

5a. If yes, why:


5b. Which days of the week will there be a cover charge (circle all applicable days):

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday  
☐ Saturday ☐ Sunday

6. Will the facility or a portion of the facility be available for private parties?  
☒ Yes ☐ No

6a. If yes, explain:

Will host occasional parties in new addition to include business meetings, birthdays, bridal/baby showers, etc.
-----------------------------------------------------------------------------------------------------------------

7. Will a third party (promoter) be permitted to lease, let or use the establishment?  
☐ Yes ☒ No

7a. If yes, explain:

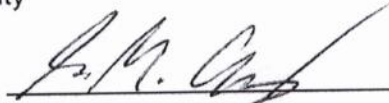

8. Will there ever be a minimum age limit?  
☐ Yes ☒ No

**Exhibit A – Page 3**  
**Entertainment Establishment**

9. Additional comments/description/operational characteristics or prior experience:

Existing cafe concept to remain. Purpose of application is to expand seating capacity.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



**Signature of Applicant**

Cafe

**Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)   
Number of bar seats   
Standing room

b. **Outdoor**

Number of seats

c. **Number of employees**

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) =

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.


3. Will a dance floor be provided?

☐ Yes      ☒ No

3a. If yes,

Square footage of establishment   
Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2016)



# Entertainment

## Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

### 1. Total capacity

#### a. Indoor

Number of seats (not including bar seats)

70

Number of bar seats

7

Standing room

2

band

5

#### b. Outdoor

Number of seats

10

#### c. Number of employees

5

### Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 99

### 2. Entertainment

List ANY type of entertainment proposed other than a 5 member live band, karaoke, comedian, or poetry reading.

Open mic, Trivia.

### 3. Will a dance floor be provided?

☐ Yes

☒ No

#### 3a. If yes,

Square footage of establishment

Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

## DEPARTMENT OF CITY PLANNING

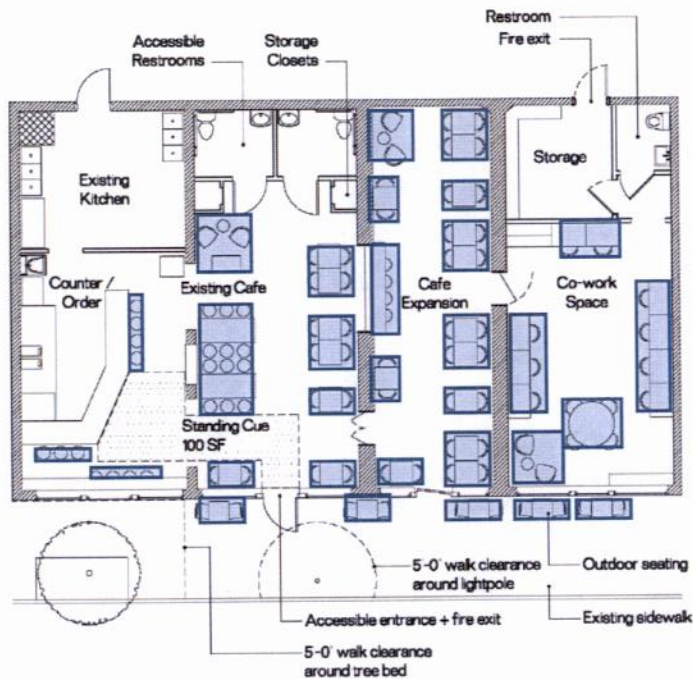
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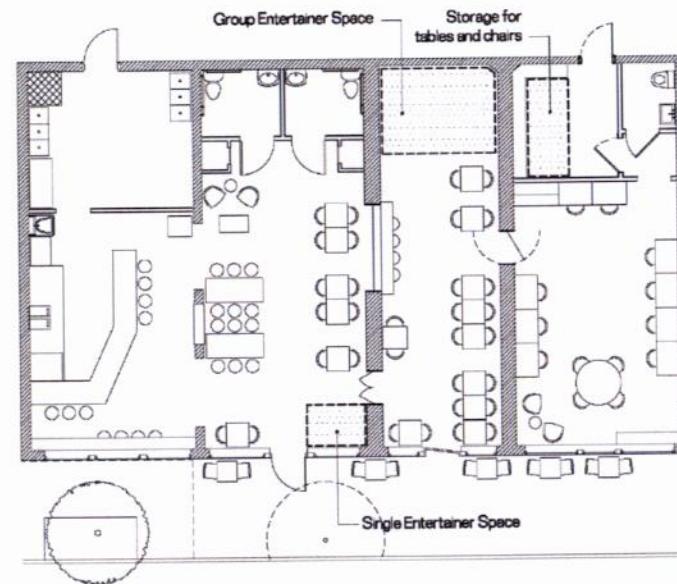
(Revised January, 2015)

# Exhibit B



1st Floor Plan - Maximum Seating

SCALE: 3/32"=1'-0"



1st Floor Plan - Entertainment Scenario

SCALE: 3/32"=1'-0"



**TMA**  
TYMORFF + MOSS ARCHITECTS

## CODE COMPLIANCE

Construction Type: IB  
Use Group: Assembly (A-2)  
Fire Protection: Non-Sprinklered  
Actual Heights + Areas  
Co-work Space: 390 SF  
Cafe: 1,038 SF  
Kitchen: 286 SF  
Storage: 116 SF  
Total: 1 story, 1,828 SF

## OCCUPANCY CALCULATIONS (Per 2012 IBC)

Cafe: 70  
Kitchen: 2  
Co-Work Space: 26  
Storage: 1  
Total: 99

## ACTUAL OCCUPANTS

Cafe Seating: 70  
Employees: 3 to 5  
Co-Work Space: 10 to 15  
Maximum Indoor Total: 94

Outdoor Seating: 10

11 January 2016  
SPH



**Location Map**

K STREET

BOTETOURT STREET

W BUTE STREET

**THE CURE  
COFFEEHOUSE & BRASSERIE**



0 5 10 20  
Feet





# Zoning Map

D-4

W BRAMBLETON AVENUE

W BRAMBLETON AVENUE

YORK STREET

HC-WF2

HC-WF2

THE CURE  
COFFEEHOUSE & BRASSERIE

HC-WF2

HC-WF1

HC-WF1

W BUTE STREET

BOTECOURT STREET

HC-WF1

HC-WF1

W FREEMASON STREET

HC-WF1

0 30 60 120 Feet

N



# Existing ABC Establishments & Norfolk Public Schools Proximity Map







**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ENTERTAINMENT ESTABLISHMENT  
(Please Print)**

Date 1/11/2016

**DESCRIPTION OF PROPERTY**

Address 503 Botetourt Street, Suite 503 - 507

Existing Use of Property Coffeehouse / Cafe

Proposed Use Coffeehouse / Cafe

Current Building Square Footage 1050

Proposed Building Square Footage 1875

Trade Name of Business (If applicable) Cure Coffeehouse & Brasserie

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Aston Shelton Enterprises LLC Christopher Shelton  
1. Name of applicant: (Last) Gene (First) Aston (MI) M

Mailing address of applicant (Street/P.O. Box): 503 Botetourt Street

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 321-0044 Fax ( )

E-mail address of applicant: astonshelton@gmail.com

**Application  
Entertainment Establishment  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last)  (First)  (MI)

Mailing address of applicant (Street/P.O. Box):

(City)  (State)  (Zip Code)

Daytime telephone number of applicant ()  Fax ()

E-mail address of applicant:

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Bethel 1 LLC (First) F. T. (MI)

Mailing address of property owner (Street/P.O. box): 222 Central Park Avenue Suite 1700

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner () 473-5304 email:

**CIVIC LEAGUE INFORMATION**

Civic League contact: Jack Kavanaugh

Date(s) contacted: 1/10/2016

Ward/Super Ward information:

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

REQUIRED ATTACHMENTS

**CERTIFICATION**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge.

Print name: Bethel 1 LLC  
FT Stant Sign: [Signature] 1 / 11 / 2016  
(Property Owner or Authorized Agent of Signature) (Date)

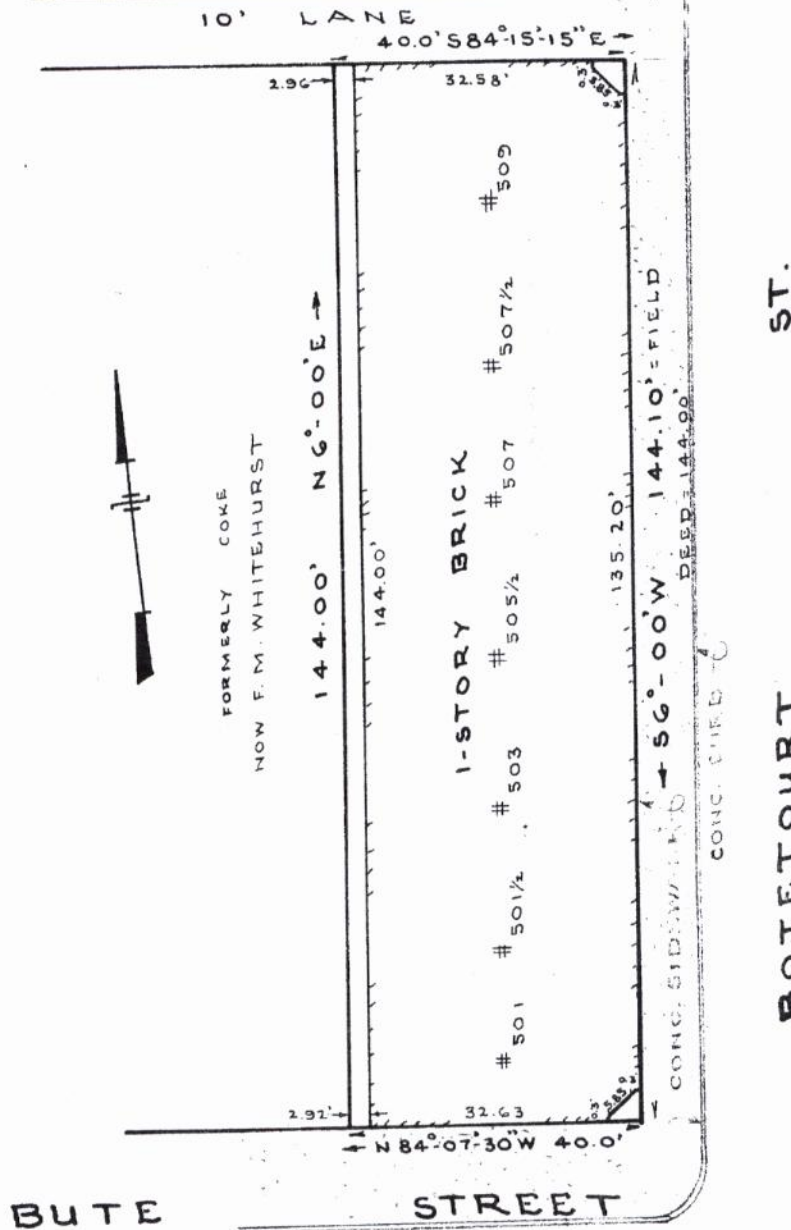
Print name: Aston Shelton Enterprises LLC  
G.M. Aston Sign: [Signature] 1 / 11 / 2016  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(Authorized Agent Signature) (Date)



THIS IS TO CERTIFY THAT I, ON **FEBRUARY 11<sup>TH</sup>, 1963** SURVEYED  
 THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE  
 BUILDINGS ARE SHOWN ON THIS PLAT  
 THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO  
 ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN  
 SIGNED *Wilfred P. Large*



**PHYSICAL SURVEY**  
 #501 #501 1/2 #503 #505 1/2 #507 #507 1/2 #509 OF BOTETOURT STREET  
 RECORDED IN D.B. 515-P. 379, CLERKS OFFICE OF THE CORP. COURT NORFOLK, VA.  
 NORFOLK, VIRGINIA  
**ASSOCIATED INVESTORS, INC.**  
 SCALE: 1" = 20' FEB. 11<sup>TH</sup>, 1963.  
 WILFRED P. LARGE  
 Certified Land Surveyor  
 Norfolk, Virginia  
 NOTE: CIRCLES DENOTE MONUMENTS SET AT CORNERS.  
 F.B. 23 P.44  
 #1141

PS-931

## **Security Plan**

### **Cure Coffeehouse and Brasserie**

**503 Botetourt Street**

**Norfolk, VA 23510**

#### **Goals:**

To maintain a safe and secure environment for the guests of the establishment.

Mitigate any noise or inappropriate conduct by patrons arriving or leaving the establishment that may impact neighbors.

Ensure a safe evacuation in the event of an emergency situation.

#### **Event Management:**

Only events that are family friendly in nature will be hosted. During any events where attendance approaches capacity a staff member will maintain an occupant count to ensure compliance with building code. Facility doors will remain closed during music performances to minimize noise impact to neighbors. A clear path to all entrances and exits will be maintained at all times.

#### **Electronic Security:**

Actions within premises are recorded via video camera. Footage is maintained for 14 days.

#### **Emergency Response:**

Staff will contact emergency services in the event they are required. Additionally each staff member will receive training on how to evacuate the premises in the event of a building emergency.

## Whitney, Chris

---

**From:** Straley, Matthew  
**Sent:** Wednesday, January 13, 2016 1:01 PM  
**To:** 'ocs1062@cox.net'  
**Cc:** Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris  
**Subject:** new Planning Commission applications - 503 Botetourt St, Suites 503-507  
**Attachments:** Cure.pdf

Mr. Kavanaugh,

Attached please find the application to amend a previously granted special exception to operate an entertainment establishment with alcoholic beverages at 503 Botetourt Street, Suites 503-507.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney* at (757) 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

Thank You.

**Matthew Straley**  
GIS Technician II  
Norfolk Department of City Planning  
810 Union Street, Suite 508 | Norfolk, Virginia 23510  
[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569



## Whitney, Chris

---

**From:** John Kavanaugh <ocs1062@cox.net>  
**Sent:** Monday, February 01, 2016 10:39 AM  
**To:** Whitney, Chris  
**Cc:** Howard, Oneiceia  
**Subject:** Re: new Planning Commission applications - 503 Botetourt St, Suites 503-507

My bad Chris. I have two from you and wanted to get the on in since I knew it was close. We had to wait for one of the condominium boards to meet. Ironically I am now sitting in Cure! Again we have no problem with their expansion. They have turned into good neighbors

Sent from my iPhone

On Feb 1, 2016, at 10:11 AM, Whitney, Chris <[Chris.Whitney@norfolk.gov](mailto:Chris.Whitney@norfolk.gov)> wrote:

Good morning Mr. Kavanaugh,

Thank you for your response. I just wanted to make sure the FSAA has the correct information on this one – this application is for the Cure's expansion into an adjacent suite. I see your reference to a pizza place, and I believe you may be thinking of Humboldt Steel Corp. II, which was an item on January's Planning Commission agenda. Please let me know if there was indeed a mix-up here or if you are fully aware of the Cure's request and there is no issue.

Sincerely,

Chris Whitney, CFM  
Management Analyst I  
Department of City Planning  
757-823-1253

**From:** Jack Kavanaugh [<mailto:ocs1062@cox.net>]  
**Sent:** Thursday, January 28, 2016 3:06 PM  
**To:** Straley, Matthew <[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov)>  
**Cc:** Whibley, Terry <[Theresa.Whibley@norfolk.gov](mailto:Theresa.Whibley@norfolk.gov)>; Winn, Barclay <[barclay.winn@norfolk.gov](mailto:barclay.winn@norfolk.gov)>; Howard, Oneiceia <[Oneiceia.Howard@norfolk.gov](mailto:Oneiceia.Howard@norfolk.gov)>; Whitney, Chris <[Chris.Whitney@norfolk.gov](mailto:Chris.Whitney@norfolk.gov)>  
**Subject:** RE: new Planning Commission applications - 503 Botetourt St, Suites 503-507  
**Importance:** High

Mr. Straley, FSAA has no issues with the pizza place

---

**From:** Straley, Matthew [<mailto:Matthew.Straley@norfolk.gov>]  
**Sent:** Wednesday, January 13, 2016 1:01 PM  
**To:** [ocs1062@cox.net](mailto:ocs1062@cox.net)  
**Cc:** Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris  
**Subject:** new Planning Commission applications - 503 Botetourt St, Suites 503-507

Mr. Kavanaugh,

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The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney* at (757) 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

Thank You.

**Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569



## Simons, Matthew

---

**From:** Lucy Stoll <lucyelizabethstoll@gmail.com>  
**Sent:** Thursday, February 18, 2016 8:27 AM  
**To:** Whitney, Chris  
**Subject:** Cure coffeehouse

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Chris,

Although I cannot attend the Planning Commission meeting regarding the expansion of Cure, I would like to express my support for their application. Cure is a fantastic aspect of our neighborhood, and I look forward to their expansion and being able to grab a seat during their busy hours!

Thank you!

Lucy Stoll  
429 W York St 2A

Sent from my iPhone